

**MINUTES
TOWN COUNCIL MEETING
TUESDAY, MARCH 24, 2009 AT 7:15 PM
RICHARD E. MASTRANGELO CHAMBER
ADMINISTRATION BUILDING**

- 1. ROLL CALL:** A regular meeting of the Town Council was called to order at 7:15 pm, in the Richard E. Mastrangelo Chamber, Administration Building. Present for the meeting were Councilors Stephen P. Corbett, Marilyn M. Petitto Devaney, Susan G. Falkoff, Jonathan Hecht, Angeline B. Kounelis, John J. Lawn, Jr., Vincent J. Piccirilli, Jr., Vice President Mark S. Sideris and Council President Clyde L. Younger. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.
- 2. PLEDGE OF ALLEGIANCE**
- 3. ACCEPTANCE OF MINUTES: March 10, 2009.** Councilor Kounelis moved to Table the minutes, seconded by Councilor Sideris and adopted by voice vote.
- 4. PUBLIC FORUM: None Noted.**

Councilor Sideris moved to Suspend the Rules in order to bring forward **Agenda Item 7A** and to add a late agenda proclamation, seconded by Councilor Devaney and adopted by voice vote.

- a) Acceptance of Proclamations: Recognition of Watertown Boys Basketball Championship and Youth Art Month – Clyde L. Younger, Council President.

The Chair read a proclamation recognizing the Sons of Italy's continued commitment to raise funds and awareness for the fatal blood disease; Coolies Anemia. The Chair recognized Mr. Rudy Busconi, out going President of Sons of Italy and current President of the Coolies Anemia Chapter. Councilor Devaney provided background information on Coolies Anemia. Mr. Busconi thanked the Council for the proclamation and announced an upcoming annual breakfast and dinner dance

celebrating the Chapter's 26th year. It was noted that 90% of the donations will go directly to Coolies Anemia research.

The Chair stated that on Saturday Watertown celebrated the 2009 Boys High School Basketball Championship with a party. Individual Town Council proclamations were presented to players along with a team proclamation for the coach.

The Chair proclaimed March as Youth Art Month in the schools and so noted the event with a proclamation to the School Committee.

Councilor Sideris moved to accept the proclamation for Coolies Anemia, seconded by Councilor Devaney and adopted by voice vote.

Councilor Sideris moved to accept the proclamation for Boys Basketball, seconded by Councilor Kounelis and adopted by voice vote.

Councilor Sideris moved to accept the proclamation for Youth Art Month, seconded by Councilor Piccirilli and adopted by voice vote.

Councilor Sideris moved to bring forward agenda item 8, seconded by Councilor Corbett and adopted by voice vote.

8. PRESIDENT'S REPORT

The Chair stated that upon learning of a meeting between the Manager and the School's subcommittee on budget and finance, he called the Manager to express his interest in attending. The Chair stated that his offer to attend the meeting was declined by the Manager. The Chair noted that he felt that as Council President, he should be allowed to attend such a meeting as he is an elected official and a member of the School Committee. The Chair stated that he called Attorney Reich and requested a ruling on "executive privilege". The Chair noted that Attorney Reich offered to mediate the situation between him and the Manager. The Chair stated that the scheduled meeting was subsequently cancelled and he is deeply disappointed with the spirit of cooperation.

Councilor Devaney noted that the Council has very little power and authority but that the Manager should work with the Council President and that the Council President should be allowed to use the little power he has. She noted her distress at hearing this.

Councilor Sideris asked Attorney Reich to render a legal opinion on whether or not the Council President can sit in on any departmental meeting.

Attorney Reich read from the Charter 1-3 distribution of Powers which notes that the legislative branch should not interfere in the executive branch and vice versa.

The Chair noted that he did not intend to exercise any powers in attending the meeting and asked if his attendance was a direct violation of the Charter.

Attorney Reich stated that while the Council President's request to attend the meeting was not itself a violation of the Charter provision, the issue at hand was the ability of the Manager in his authority under the Charter to carry out his responsibilities to develop a budget with the School Committee.

Councilor Kounelis read a 1980 preamble which states that the Council President and the Town Manager should enjoy a special relationship. She noted that we have lost sight of the original intent of the Home Rule Charter. She further noted that Roberts Rules of Order states that the Council President is an ex-officio of any meeting and therefore can attend any meeting without an invitation.

The Manager noted that there are two issues; an email from the Chairman of the budget finance subcommittee requesting his attendance at their meeting; second the subsequent issue raised by Attorney Reich regarding the issue of violating the Open Meeting Law. Following that, the Manager indicated that the Chairman of the School Committee informed him that he was not ready for the meeting and would reschedule making sure that a quorum of members were not present.

The Chair disagreed with why the meeting was cancelled and reiterated the reason behind his initial call to Attorney Reich regarding his attendance and a ruling on executive privilege.

Attorney Reich concurred that the Council President called him on two issues; a ruling on "executive privilege" and mediating his attendance. Attorney Reich indicated that as Attorney for the town while recognizing the two issues he also expressed concern with the Manager and school committee members being in violation of the Open Meeting Law.

Councilor Piccirilli raised the issue of whether or not any Councilor has the right to attend any meeting. He indicated that the preamble as read by Councilor Kounelis is not in the current Charter and that while the Council has the right to vote the Council President that right or extra power, it has not done so.

Councilor Devaney noted that the Council President being denied attendance was disrespectful and unacceptable.

Councilor Falkoff noted that she does not intend on getting involved in this issue and disagreed with the Chair's comment on the Council lacking moxie.

Councilor Lawn requested that the Council move on to the remaining agenda items under section 7.

b) Motion to refer the Reciting of a Preamble to Rules and Ordinances Committee. Councilor Sideris moved to refer the reciting of a preamble to said subcommittee, seconded by Councilor Piccirilli and adopted by voice vote.

c) Motion to refer Homeowner Occupancy Definition to Economic Development & Planning Committee. Councilor Sideris moved to refer Homeowner Occupancy Definition to said subcommittee, seconded by Councilor Corbett and adopted by voice vote.

6. INFORMATIONAL PRESENTATION:

Informational Presentation on natural gas leaks and related issues – Mario A. Orangio, Fire Chief and Gerald S. Mee Jr., Superintendent of Public Works.

The Chair recognized Fire Chief Mario Orangio and Superintendent Mee who provided a presentation on natural gas leaks and related issues (see attached diagram). National Grid representatives, Kevin Sousa and Amy Smith were available to answer any questions.

The Chief provided a 101 lesson on natural gas; its delivery system; level and grades of leaks and the remediation response and process. Safety tips were also discussed.

Councilor Lawn thanked the Chief for the presentation and inquired if firefighters received training in this area. Chief Orangio stated yes, two types of training; one by Mass Academy and the other by National Grid.

It was noted by National Grid provides year round ongoing surveys of areas in order to detect possible problems.

Councilor Kounelis read a letter/flyer regarding gas leaks and hazards.

The Chief summarized gas leaks and grades and their remediation in Watertown. He noted the improvement in the lines of communication with National Grid.

Councilor Devaney noted that we have come along way with National Grid and inquired about safe guards with contractors working on a house.

Mr. Sousa indicated that following the proper permitting regulations is crucial to public safety.

Councilor Lawn inquired about gas leaks/explosions on construction sites in surrounding communities.

Mr. Sousa noted several are currently under investigation and others where caused by over pressurized lines by contractors.

Resident Pat Gold asked that National Grid investigation gas odors on Lexington Street.

5. COMMITTEE REPORTS:

- a) Committee on Public Works report on a proposed Storm Water Advisory Committee and a Street/Sidewalks Ad Hoc report – Susan G. Falkoff, Chair. The Chair recognized Councilor Corbett who read the committee report (attached). It was noted that the Committee voted that the Storm Water Advisory Committee (SAC) be created as a resource to Mr. Mee rather than a citizen's advocacy committee. The SAC would report to Mr. Mee to provide expertise in research, review and education. It was noted that the SAC will consist of a member from Planning Department, Conservation Agent, and three to five citizens to be appointed by the Town Manager. Councilor Piccirilli will work with Attorney Reich to draft a resolution for DPW and Planning Department to review.

The Committee discussed curbs and sidewalks and voted to authorize the DPW to proceed with the current road work contract using the discussed draft policy, with granite curbs for roads receiving full depth reconstruction and asphalt curbs for road receiving mill and overlay work. The Superintendent will report back to committee when an asphalt curb is not practical.

Councilor Falkoff moved to accept the committee report, seconded by Councilor Devaney and adopted by voice vote. Councilor Falkoff asked the Manager to provide something in writing with respect to paving over grass strips.

Councilor Kounelis inquired about a policy with respect to when trees are removed, what goes in its place; grass, loom; black top and by whom.

- b) Committee on Public Works and Budget Fiscal Oversight report on Snow Plowing practices – Susan G. Falkoff, Chair and Mark S. Sideris, Chair.

Councilor Sideris read the joint committee report. It was noted that the committee will meet again in 60 days after Mr. Mee has the final costs for Snow Removal for the season with neighboring town comparisons. Councilor Sideris moved to accept the report, seconded by Councilor Falkoff and adopted by voice vote.

- c) Committee on Budget & Fiscal Oversight report on the 2010-2014 Capital Improvement Program – Mark S. Sideris, Chair. The Chair recognized Councilor Piccirilli who read the committee report. The Committee voted to recommend that the Manager develop the 2010-2014 CIP and the FY 2010 budget taking into account various actions that the committee discussed over the last several months and outlined in the March 24th committee report. Councilor Sideris moved to accept the Committee report, seconded by Councilor Falkoff and adopted by voice vote.

Councilor Sideris moved to approve conceptual recommendation for Fiscal Year 2010-2014 CIP, seconded by Councilor Kounelis and adopted by voice vote.

- d) Ad Hoc Charitable Committee report on disbursement of Watertown/Harvard/O'Neil charitable funds – Mark S. Sideris, Chair. The Chair recognized Councilor Sideris who stated that the Committee decided to keep the current guidelines. The guidelines will be provided to the webmaster and placed on the town's website. The next meeting will be April 30th at 5pm. Councilor Devaney moved to accept the report, seconded by Councilor Piccirilli and adopted by voice vote.

Councilor Sideris moved to Suspend the Rules in order to bring forward a late agenda item by Councilor Hecht regarding recent developments on State funding and related issues, seconded by Councilor Piccirilli and adopted by voice vote.

Councilor Hecht provided an update from the State House on Stimulus monies. He noted that Watertown will receive two installments of \$375,000 in Federal stimulus monies for Special Education; one in March and the other in later summer. Additionally there will be monies for Title One program in the amount of two installments of \$200-250,000. There will be a shortfall of Chapter 70 monies of \$250 million state wide. The School Committee has sent a letter to the Governor regarding their concern with Chapter 70 Aid to Watertown versus other towns.

Councilor Lawn moved to have the Council President write a letter on behalf of the Town Council expressing their concern with chapter 70 aid to Watertown, seconded by Councilor Piccirilli and adopted by voice vote.

9. COMMUNICATIONS FROM THE TOWN MANAGER

- a) The Town Manager reviewed Fiscal Year 2009 Budget issues regarding a \$774,561 9C local aid reduction and \$1,257,000 Snow and Ice Removal Deficit. It was noted that monies to offset the local aid reduction and the snow and ice deficit have been allocated with a balance of \$149,761. A transfer will be placed on the April 14th agenda further addressing the matter.
- b) Request for Confirmation of reappointment to the Board of Election Commissioners. Referred to State, Federal and Regional subcommittee.
- c) All night parking ban will end on April 1st. Vaccination clinic for cats and dogs will take place on April 4th. The US Army Band to perform on April 9th. Tufts Health Plan contributed monies for the purchase of 9 defibrillators through the RAD program. The matter will formally be placed on the April 14th agenda for Council action.

10. REQUESTS FOR INFORMATION

Councilor Falkoff reiterated her request to have the Manager bring forward a policy on grass strips.

Councilor Lawn asked that use of town gymnasiums be examined to determine priorities of town facilities. Councilor Sideris moved to refer the matter to the Human Services subcommittee, seconded by Councilor Corbett and adopted by voice vote.

11. ANNOUNCEMENTS

Councilor Hecht announced that an artist reception entitled I Witness will take place at the State House and later on April 2nd at the Armenian Library regarding genocide survivors.

Councilor Hecht announced that on April 1st at 7pm, the long awaited construction of a bike path will be discussed. The project has been funded, with a July bid date.

Councilor Hecht announced that on April 7th at 7pm SPED PAC will hold their annual awards night at the Arts Center.

12. PUBLIC FORUM – none noted.

There being no further matters to come before the Town Council, Councilor Devaney moved to adjourn the meeting at 10:30 pm, seconded by Councilor Falkoff and adopted by unanimous vote.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes for March 24, 2009 were adopted as written, on April 14, 2009 by voice vote.

Clyde L. Younger, Council President